

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,  
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,  
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**UNOPPOSED MOTION TO STAY REAL TIME RESOLUTIONS, INC.'S, MOTION TO  
DISMISS PLAINTIFFS' SEVENTH AMENDED COMPLAINT (DOC. NO. 325) OR, IN  
THE ALTERNATIVE, TO DENY THE MOTION WITHOUT PREJUDICE**

Plaintiffs respectfully move the Court for an Order staying *Real Time Resolutions, Inc.'s Motion to Dismiss Plaintiffs' Seventh Amended Complaint* (Doc. No. 325) or, in the alternative, to deny Real Time's motion without prejudice. In support of this motion, Plaintiffs state as follows:

1. On June 24, 2011, Plaintiffs and Defendants U.S. Bank National Association ND, Wilmington Trust Company in its individual and trustee capacities, Empire Funding Home Loan Owner Trust 1998-1, Empire Funding Grantor Trust 1998-1, Empire Funding Home Loan Owner Trust 1999-1, and Empire Funding Grantor Trust 1999-1 (collectively the "U.S. Bank Defendants") filed a Joint Motion for Stay, notifying the Court that Plaintiffs and the U.S. Bank Defendants had reached a settlement (the "Settlement") of the claims relating to a number of loans at issue in this case, including, but not limited to, any claims against Defendant Real Time Resolutions, Inc. ("Real Time") based on loans held or acquired by the U.S. Bank Defendants. (Doc. 324).

2. Three days later, on June 27, 2011, Real Time filed its *Motion to Dismiss Plaintiffs' Seventh Amended Complaint* (Doc. No. 325) ("Motion to Dismiss").

3. On June 28, 2011, the Court entered an Order staying all "[p]roceedings with respect to [the U.S. Bank Defendants, as well as any] claims against ... Real Time Resolutions, Inc. based on loans held or acquired by the [U.S. Bank] Defendants."

4. As both Plaintiffs and Real Time suspected that all of Real Time's loans might be covered by the Settlement, Plaintiffs moved the Court for an extension of time to respond to the Motion to Dismiss. This extension was requested so that Real Time could determine whether all of its loans were covered by the Settlement.

5. Real Time has recently confirmed that all of its loans are covered by the Settlement.

6. Accordingly, the Court should stay Real Time's Motion to Dismiss pending resolution and final approval of the Settlement with the U.S. Bank Defendants.

7. In the alternative, the Motion to Dismiss should be denied without prejudice pending resolution and final approval of the referenced Settlement with the U.S. Bank Defendants.

8. Plaintiffs have communicated with counsel for Defendant Real Time who has indicated that Defendant Real Time does not oppose Plaintiffs' instant motion.

9. No party will be prejudiced by the granting of this motion.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order staying *Real Time Resolutions, Inc.'s Motion to Dismiss Plaintiffs' Seventh Amended Complaint* (Doc. No. 325) or, in the alternative, to deny Real Time's motion without prejudice, and for any other relief that the Court deems just and proper.

Date: August 15, 2011

Respectfully submitted,

WALTERS BENDER STROHBEHN  
& VAUGHAN, P.C.

By: /s/ Bruce V. Nguyen  
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**ATTORNEYS FOR PLAINTIFFS  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this the 15<sup>th</sup> day of August 2011, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants.

/s/ Bruce V. Nguyen